IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.1098 OF 2004

Gracy Boniface D'Souza).. Appellant

Versus

Fredric Luise Barboza and another).. Respondents

Ms.A.R.S.Baxi for the Appellant.

Mr.D.A.Joseph for the Respondents.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 20TH DECEMBER 2004

P.C.:

. This Appeal From Order arises out of an order passed on a Notice of Motion making it absolute. The trial Court has directed that Defendant No.1-Appellant herein should not obstruct the Plaintiff-Respondent No.1 herein and/or his family members from entering the suit premises i.e. Room No.2/8, Chakkiwala Chawl, Majas Wadi, Jogeshwari (East), Mumbai. In my view, there is no need to interfere with the order of the trial Court as the learned Judge has gone into all the aspects in the matter and has found, prima facie, that the Appellant is not entitled to prevent Respondent No.1, who claims he is a tenant, from entering the premises.

2. However, with a view to protect both the

parties, the possession of Defendant No.1 will not be disturbed. It is made clear that she will not have the exclusive possession of the suit premises.

2. Appeal From Order dismissed.

3. Since the Appeal From Order has been disposed of, nothing survives in Civil Application No.1562 of 2004 and the same is disposed of accordingly.